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August 25, 2022

VIA ECF

Hon. John P. Cronan
United States District Court Judge
500 Pearl St.
New York, NY 10007-1312

Re: Orbetta v. Dairyland USA Corporation et al., 1:20-cv-09000-JPC

Dear Judge Cronan:

This firm represents the Defendants in the above-captioned matter. We write jointly with Plaintiffs to confirm that the parties have met and conferred pursuant to the Court's order (ECF No. 115) and to request an extension of the deadline to file Defendants' Motion for Summary Judgment. On August 18, 2022, the Court ordered the parties to meet and confer to resolve any outstanding discovery issues and to submit a letter to the Court by August 25, 2022 (ECF No. 115), which is only a week before the September 1, 2022 deadline of Defendants' motion. (ECF No. 111.) On August 23, 2022, the parties met and conferred concerning the discovery issues Plaintiffs raised. (ECF No. 113.)

During the meet and confer, Defendants, without waiving any rights, without conceding that Plaintiffs are entitled to any additional material, and solely for the purpose of trying to avoid unnecessary discovery motions, agreed to provide Plaintiffs with an explanation of a document that Plaintiffs identified in their letter (ECF No. 113), which Defendants produced before the close of discovery. Defendants provided an initial explanation of the document on August 24, 2022. Defendants also agreed, without waiving any rights, without conceding that Plaintiffs are entitled to any additional material, and solely for the purpose of trying to avoid unnecessary discovery motions to further supplement a document provided in response to Plaintiffs' Post-Deposition Document Requests. Defendants anticipate being able to produce this record, showing inventory transfers, within the next week to ten days. As of the filing of this letter, Plaintiffs are reviewing the information Defendants have provided and they are working in good faith with Defendants to reach a final resolution concerning the interpretation of the driver's interstate routes.

Both parties believe these issues should be fully and finally resolved before filing for summary judgment. For this reason, the parties respectfully request an extension of the deadline

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to file Defendants' motion for summary judgment to October 7, 2022. This is the parties' first request for an extension.

Respectfully submitted,

/s/ Eli Z. Freedberg

Eli Z. Freedberg

The request is granted. Motions for summary judgment shall be filed by October 7, 2022; oppositions shall be filed by November 23, 2022; and replies shall be filed by December 7, 2022.

SO ORDERED.
Date: August 26, 2022
New York, New York


JOHN P. CRONAN
United States District Judge